

**ORAL ARGUMENT IS REQUESTED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	X
<b>SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB, BLERTA VIKKI, DANIELLE OWIMRIN, on behalf of themselves and all others similarly situated,</b>	:
	:
<b>Plaintiffs,</b>	:
	:
<b>-against-</b>	:
<b>SCORES HOLDING COMPANY, INC.; GO WEST ENTERTAINMENT, INC. a/k/a SCORES WEST SIDE; and SCORES ENTERTAINMENT, INC., a/k/a SCORES EAST SIDE,</b>	:
	:
<b>Defendants.</b>	:
	X

**NOTICE OF CROSS-MOTION OF DEFENDANTS SCORES  
HOLDING COMPANY, INC. and GO WEST ENTERTAINMENT, INC.  
TO DISMISS OR ALTERNATIVELY FOR SUMMARY JUDGMENT**

To: Adam T. Klein, Justin M. Swartz, Tammy Marzigliano, and Anjana Samant, Esqs.  
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**PLEASE TAKE NOTICE** that, upon the annexed Statement Pursuant to Local Civil Rule 56.1 (“56.1 Stat.”), the annexed Declaration of Irika Sargent (“Sargent Decl.”) dated February 1, 2008, the annexed Declaration of Curtis Smith (“Smith Decl.”) dated February 1,

2008, and the accompanying Memorandum of law in support of the instant motion, and all prior pleadings and proceedings heretofore had herein, Defendants Scores Holding Company Inc. (hereinafter "Scores Holding") and Go West Entertainment, Inc. (hereinafter "Go West"), by their attorneys Greenberg Traurig, LLP will move this Court, pursuant to Rules 12(b)(1), 12(b)(6), 12(b)(7), and 56, before the Honorable Richard M. Berman, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, for an Order:

1. Dismissing or, in the alternative, granting summary judgment to Scores Holding on the grounds that Scores Holding is the licensor of the "Scores" name and is not a joint employer of any member of the putative collective action or putative class;
2. Dismissing Plaintiffs' claims on behalf of putative collective action members or putative class members who have not worked at Go West Entertainment, Inc. a/k/a Scores West Side on the grounds that such members' employer or alleged employer has not been named as a defendant in this action; and
3. Dismissing Plaintiffs' state law claims on the grounds that Congress intended for wage/hour claims to be pursued on an opt-in basis only and the Court should not exercise jurisdiction over the state law claims, which Plaintiffs seek to pursue on a Rule 23 opt-out basis.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court-established briefing schedule, opposition papers, if any, should be served so as to be received by the undersigned on or before February 15, 2008.

Dated: New York, New York  
February 1, 2008

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

By:   
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